

***Effective 3/29/2014***

**67-16-5.3 Requiring donation, payment, or service to government agency in exchange for approval -- When prohibited.**

- (1) Except as provided in Subsection (3), it is an offense for a public officer, public employee, or legislator to demand from any person as a condition of granting any application or request for a permit, approval, or other authorization, that the person donate personal property, money, or services to any agency.
- (2)
  - (a) Subsection (1) does not apply to any donation of property, funds, or services to an agency that is:
    - (i) expressly required by statute, ordinance, or agency rule;
    - (ii) mutually agreed to between the applicant and the entity issuing the permit, approval, or other authorization;
    - (iii) made voluntarily by the applicant; or
    - (iv) a condition of a consent decree, settlement agreement, or other binding instrument entered into to resolve, in whole or in part, an actual or threatened agency enforcement action.
  - (b) If a person donates property, funds, or services to an agency, the agency shall, as part of the permit or other written authorization:
    - (i) identify that a donation has been made;
    - (ii) describe the donation;
    - (iii) certify, in writing, that the donation was voluntary; and
    - (iv) place that information in its files.
- (3) This section does not apply to a public officer, public employee, or legislator who engages in conduct that constitutes a violation of this section to the extent that the public officer, public employee, or legislator is chargeable, for the same conduct, under Section 63G-6a-2404 or Section 76-8-105.

Amended by Chapter 196, 2014 General Session